

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

AMUSEMENT INDUSTRY, INC., a)
California corporation dba WESTLAND)
INDUSTRIES; PRACTICAL FINANCE CO.,)
INC., a California corporation,)

07-CV-10717 (LAK)

Plaintiffs,

**AFFIDAVIT OF SERVICE OF
SUMMONS AND COMPLAINT UPON
DEFENDANT MARK STERN**

v.

MOSES STERN, an individual aka MARK)
STERN; JOSHUA SAFRIN, an individual;)
FIRST REPUBLIC GROUP REALTY LLC, a)
Delaware limited liability company;)
EPHRAIM FRENKEL, an individual; LAND)
TITLE ASSOCIATES ESCROW, a New York)
limited liability company,)

Defendants.

STATE OF NEW YORK)
)ss.:
COUNTY OF ROCKLAND)

JOHN OBIE, being duly sworn, hereby deposes and says:

1. I am a process server for Guaranteed Subpoena Service, Inc. I am over 18 years of age and not a party to this litigation. Except where otherwise stated, I have personal knowledge of the facts set forth herein.

2. On Monday, December 3, 2007, I attempted to serve a Summons and Complaint in the above-captioned action upon defendant Mark Stern ("Stern") at 39 Remsen Avenue, Monsey, New York 10952, which previously had been identified to me as Stern's home address. At the residence, a young woman of approximately 13 years of age stated

that she was Stern's daughter and that Stern would be returning home from a business trip on Tuesday, December 4, 2007.

3. Later on December 3, I served a Summons and Complaint herein on defendant First Republic Group, LLC ("First Republic") at 25 Robert Pitt Drive, Monsey, New York 10952, by personally delivering copies of the papers to Florence Vogel at the afore-mentioned address, who stated that she was authorized to accept service on behalf of First Republic. Ms. Vogel also confirmed that First Republic's office was Stern's actual place of business, but stated that she was not authorized to accept service on his behalf.

4. On Tuesday, December 4, 2007, I returned to Stern's home address at 39 Remsen Avenue again to attempt service on Stern. A woman who identified herself as Stern's wife advised me through the door, which she refused to open, that Stern now would not be returning home until the following week.

5. At approximately 2:30 PM on Wednesday, December 5, 2007, I returned to First Republic in an effort to locate Stern. This time, no one would speak to me through an intercom at the front door and I was refused access to the premises.

6. At approximately 3:00 PM on December 5, I returned to Stern's home. At the time, I observed two cars in the driveway and heard people in the home. However, although I knocked on the door several times, no one would come to the door or otherwise acknowledge my presence.

7. On Friday, December 7, 2007, I returned to Stern's home at 39 Remsen Avenue, where I again attempted to serve the Summons and Notice. Although I again observed people in the home, no one would come to the door. Accordingly, I affixed the Summons and Complaint to the door of Stern's home.

8. Thereafter, on December 11, 2007, I caused copies of the Summons and Complaint herein to be sent via first class mail addressed to Stern at (i) his actual place of business, First Republic Group, 25 Robert Pitt Drive, Monsey, New York 10952, and (ii) his last known residence, 39 Remsen Avenue, Monsey, New York 10952. The papers were mailed in a plain, unmarked envelope bearing the label "Personal and Confidential," and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against Stern.


JOHN OBIE

Sworn to before me this
13 day of December, 2007.


Notary Public

DONNA M. CIULLO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Aug. 28, 2008